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CITY AND COUNTY OF SAN FRANCISCO
[Erroneously sued as San Francisco Police Department]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ENTERPRISE RENT-A-CAR
COMPANY OF SAN FRANCISCO, a
Nevada Corporation,

Plaintiff,

vs.

SAN FRANCISCO POLICE
DEPARTMENT, and Does 1 through 10,
inclusive,

Defendants.

Case No. 3:06-cv-04638-MMC

**STIPULATION TO DISMISSAL OF
FEDERAL CLAIMS AND REMAND
TO STATE COURT OF REMAINING
CLAIMS; ORDER**

RECITAL

Plaintiff Enterprise Rent-A-Car Company of San Francisco filed an action in the Superior Court of the State of California for the County of San Francisco on or about March 13, 2006, alleging four claims against defendant City and County of San Francisco, sued as the San Francisco Police Department. Of these claims, the Fourth Cause of Action alleged a civil rights violation arising under 42 U.S.C. § 1983 against defendant. Defendant was served on June 28, 2006. On July 28, 2006, defendant removed the action to this Court pursuant to 28 U.S.C. §§ 1441(b) and 1443 because of the federal cause of action alleged by plaintiff.

1 The parties have now agreed that plaintiff will dismiss its fourth cause of action arising under
2 42 U.S.C. § 1983 with prejudice, and that this matter should be remanded to state court for
3 adjudication of plaintiff's remaining causes of action. The parties therefore request that this Court
4 enter an Order dismissing plaintiff's fourth cause of action with prejudice, and remanding the matter
5 to state court pursuant to 28 U.S.C. § 1447(c).

6 **STIPULATION**

7 For the foregoing reasons, the parties, through their undersigned counsel, stipulate and agree
8 to entry of an order (1) dismissing plaintiff's fourth cause of action with prejudice; and
9 (2) remanding this matter to the Superior Court of the State of California for the County of San
10 Francisco.

11 Dated: October 17, 2006

12 DENNIS J. HERRERA
13 City Attorney
14 JOANNE HOEPER
15 Chief Trial Deputy
16 CHRISTINE VAN AKEN
17 Deputy City Attorney

18 By: _____/s/
19 CHRISTINE VAN AKEN
20 Attorneys for Defendant
21 CITY AND COUNTY OF SAN FRANCISCO

22 Dated: October 22, 2006

23 CHRISTOPHER R. MILTON, ESQ.
24 LAW OFFICES OF CHRISTOPHER R. MILTON

25 By: _____/s/
26 CHRISTOPHER R. MILTON*
27 Attorney for Plaintiff ENTERPRISE RENT-A-CAR
28 COMPANY OF SAN FRANCISCO

*The filer of this document attests that concurrence in the filing of this document has been obtained.

ORDER

GOOD CAUSE appearing, it is HEREBY ORDERED that plaintiff's fourth cause of action is dismissed with prejudice, and that this matter is remanded to the Superior Court of the State of California for the County of San Francisco.

IT IS SO ORDERED.

Dated: October 24, 2006



THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE